

Notice of Allowability	Application No.	Applicant(s)	
	10/066,039	PETROVIC, RADE	
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed after final on 08/03/2006.
2. ☒ The allowed claim(s) is/are 1-10, 12-18, 23-27, 29-46, 48-54, 59-63 and 65-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05/08/2006</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

1. This is in reply to an amendment after a final rejection filed **on August 03, 2006**.
Claims **11, 19-22, 28, 47, 55-58 and 64 have been canceled. Thus claims 1-10, 12-18, 23-27, 29-46, 48-54, 59-63 and 65-72** are pending/examined.
2. In the previous office action Examiner allowed **claims 33-36 and 69-72. However the Examiner indicated that claims 9-14, 16, 22, 26-32, 45-50, 52, 58 and 62-68 contain allowable subject matter.**

Allowable Subject Matter

3. **Claims 1-10, 12-18, 23-27, 29-46, 48-54, 59-63 and 65-72** are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. **Claims 1-10, 12-18, 23-27, 29-46, 48-54, 59-63 and 65-72 are allowed for** the following reasons.

Regarding, to independent claim 1, claim 1 is amended to include the allowable subject matter of claim 11 and claim 11 is cancelled and incorporated in the independent claim 1.

Regarding, to independent claim 10, claim 10 was a dependent claim which itself contains allowable subject matter. However, is now amended into independent form by the addition of the subject matter of claim 1.

Regarding, to independent claim 17, claim 17 is amended to include the subject matter of claim 21 and the allowable subject matter of claim 22. In other word claim 22 is cancelled and incorporated into the independent claim 17. Claim 19-22 are cancelled.

Regarding, to independent claim 23, claim 23 is amended and included the allowable subject matter of claim 28 and claim 28 is cancelled.

Regarding, to independent claim 31, claim 31 was a dependent claim which itself contains allowable subject matter. However, is now amended into independent form by the addition of the subject matter of claim 23.

Regarding, to independent claim 37, claim 37 is amended to include the allowable subject matter of claim 47. claim 47 is canceled.

Regarding, to independent claim 46, claim 46 was a dependent claim which itself contains allowable subject matter. However, is now amended into independent form by the addition of the subject matter of claim 37.

Regarding, to independent claim 53, claim 53 is amended to include the allowable subject matter of claim 57 and claim 58. claims 57 and 58 are canceled.

Regarding, to independent claim 59, claim 59 is amended to include the allowable subject matter of claim 64. claims 64 is canceled.

Regarding, to independent claim 67, claim 67 was a dependent claim which itself contains allowable subject matter. However, is now amended into independent form by the addition of the subject matter of claim 59.

The reference on the record namely, Xu, discloses the subject matter of the claims before the claims were amended.

For instance, **Xu discloses a method for embedding watermarking information**

[Abstract, first two lines] (A method, an apparatus and a computer program product for adaptive, content-based watermark embedding of a digital audio signal (100) are disclosed), **comprising:**

- **Providing a host signal** [figure 1, ref. Num “100”];
- **Providing data to be embedded in the host signal** [figure 1, ref. Num “102”];
- **Associating distinct input data strings of said data with distinct code sets;** [Column 8, lines 1-3] (a bit in the watermark sequence/input data to be embedded in

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the host signal is encoded/associated as multiple echoes/code sets while each audio frame/host signal is divided into multiple sub-frames)

- **Selecting codes from the associated code sets to represent said input data strings based on an analysis of the host signal;**[column 9, lines 39- 48; column 7, lines 29-30; column 10, lines 17-19;]
- **Embedding said codes into the host signal to provide a watermarked signal.**
[column 10, lines 19-21; column 7, lines 30-32]

However, the reference on the record does not teach, the limitation after they have been amended and incorporated the objected allowable limitations.

None of the prior art of record taken singularly or in combination teaches or suggests a method of embedding watermarking information containing the particular functional limitation, which was previously objected, together with the rest of the limitation recited in the respective independent claims. For this reason, the above indicated, independent claims are allowed.

6. The dependent claims which are dependent on the above corresponding **independent claims** being further limiting to the independent claim, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

08/18/2006

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